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DEPARTMENT OF NATURAL RESOURCES  
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April 11, 1991

TO: Minerals File

FROM: Holland Shepherd, Senior Reclamation Specialist *HLS*

RE: Meeting with U. S. Forest Service Concerning Development of the Gardner Canyon Mine, M/023/015, Juab County, Utah

I met today with Mr. Mark Seinsibaugh, of the Manti/LaSal National Forest, at the Forest Station in Nephi. The meeting concerned the development of the Gardner Canyon minesite, located in the Mt. Nebo Wilderness Area, Juab County. A small gypsum mine operation has been initiated within the wilderness area and the operator intends to expand the mining operation further. The Forest Service is concerned about the expansion of the operation and is, at this point, uncertain of its jurisdiction over the operation because the atypical circumstances concerning the patented mining claims associated with the mine site.

According to Mr. Seinsibaugh, the operator had initiated mining at the Gardner Canyon site late last summer, of 1990. The operation was initiated without benefit of a Notice of Intention, either to the Forest Service or the Division of Oil, Gas and Mining. The Forest Service actually caught the operator in the act of mining without a permit. The mining operation is currently on hold, pending resolution of certain permitting questions associated with the size of the operation and which regulatory agency, Forest Service or State, has direct jurisdiction over the mine operation.

According to the Forest Service, the operator, Mr. Robert Steele, hopes to reinstate mining in the canyon as soon as the weather permits. Mr. Seinsibaugh explained to me that the operator, Mr. Robert Steele, has mineral rights to the property; however, no surface rights. In other words, there is a split estate situation associated with this mine site. The mineral rights were patented back in the 30's or 40's; however, the surface is owned by the U.S. Forest Service and is now under wilderness designation. The Forest Service is uncertain, at this time, whether or not their rules apply to this particular type of situation; hence, they are looking toward the Division to follow through with the necessary permitting requirements to be imposed on the.

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operator. It has been established that the operator does, in fact, have rights to access the property, even though it is wilderness and remove whatever mineral values are there. It is now necessary to establish an acceptable Mining and Reclamation Plan that will provide access to the mineral values and also provide acceptable reclamation to the satisfaction of the Forest Service.

Another problem in permitting this particular site is that the operator insists the site is under 5 acres; hence, falls under the category of a small operation. The actual disturbance, or what will soon be the actual disturbance will put the mine site over 5 acres. According to Mr. Seinsibaugh, the operation is probably under 5 acres, more like 4 or 4 1/2 acres in size. However, all the associated roads that the operator has used, or plans to use, have not been incorporated in this figure. Also, it is pretty much agreed, that once the operator re-initiates mining activity, the total disturbed acreage will immediately evolve over the 5 acre cutoff point.

I have written a letter to Mr. Robert Steele, informing him that once the operation goes over 5 acres, he will be expected to have already established an approved mining and reclamation plan and approved surety. The question now arises as to whether or not the Division should allow Mr. Steele to continue any type of mining under the Small Mining Notice, given the circumstances of the situation.

Another problem associated with this site is the verbal proposal of the mine operators mining technique or sequence at this particular site. According to Mr. Seinsibaugh, Mr. Steele has proposed to mine this site in the same fashion that he has mined the Nephi Gypsum site, which is located just half a mile or so east of Nephi, Utah. The Nephi Gypsum site was mined from the bottom up, on a very steep, pre-existing slope, about 1 1/2 to 1. As the mine is situated presently, it is very unstable, fraction cracks can be seen on the slopes, slides have occurred, and revegetation is virtually impossible because of the instability of these remaining slopes. Mining in this fashion makes it impossible to leave slopes that are reclaimable. Slopes left over after mining at the Nephi Gypsum site are angle of repose or steeper. The instability situation created at the Nephi Gypsum site is very extensive.

Mr. Steele intends to mine the Gardner Canyon site in this fashion, which would, of course, be unacceptable in leaving this site post-mine to the Forest Service. The Forest Service wants to have a post-mine situation which is stable, which provides for good revegetation and which protects downstream water users in the area.

I indicated to Mr. Seinsibaugh. that the Division could incorporate any of



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the Forest Service's comments and concerns into an approved mining and reclamation plan that may be established in the future with Mr. Steele. The Forest Service intends to develop an environmental assessment on the site. The information in the assessment could be used to incorporate into any mining and reclamation plan that we would develop with the operator.

I asked Mr. Seinsibaugh if he thought the operator would want to continue mining the site later this year. Mr. Seinsibaugh indicated that he was uncertain, and that at this point, it could be that the operator may decide to abandon the operation. I think it would be necessary to contact Mr. Steele about the status of his site and ask him whether or not he intends to continue mining or deactivate. If he plans to suspend mining the site he should be asked to reclaim it. The Forest Service is very concerned that the mining disturbance which already exists on the site be reclaimed by the operator, before the operator is allowed to move on or leave the site.

I propose that a letter be drafted to Mr. Robert Steele summarizing some of the topics that were discussed at this meeting and asking him to address these questions, given a certain timeframe in which to address them. If we do not hear from Mr. Steele within that timeframe, he should be asked to go back in and reclaim the site. Technically, he is still in violation of the mining rules because of neglecting to file a Notice before initiating a mining operation.

jb

cc: Mark Seinsibaugh  
Lowell Braxton  
Wayne Hedberg

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